G. R. S. 58]
Previous references.

File No. 405—1911

Serial Nos. 1 to 4

19 11

(Muzrai)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 4

Part B for September 1914

SUBJECT.

Procession of Gowri and Ganesh with Nandidhwaja by Lingayet Community at Kandikere in the Chiknaikanahalli Taluk

---

Sl No 1. From Mathada Gangiah and others of Kandikere in the Chiknaikanahalli Taluk Petition Dt No 497 Dated 25th September 1911.
Appeal against the order of the District Magistrate of Tumkur in the matter of the above procession.

Sl No 2. To the District Magistrate Tumkur No J.1225 Dated 20th October 1911.
Forwarded to Serial No 1 for report

GPB—5,000—22-10-10

1911

GENERAL AND REVENUE SECRETARIAT.

(~~Police~~ Muzrai)

NOTES.

File No. ~~77-11~~ 405-11

FILE HEADING

Appeal against the order of the DC. Magte. of Tumkur re ~~the~~ the procession of Gouri & Ganesha of the Lingayats of Kandakere with ~~Nandi~~ Nandidhvaja

From

Mattada Gangiah & others of Kandakere, Chiknaikanhalli Tk.

No | Dated 25 9-11 | Received 6-10-11

Diary No. ~~7432~~ M 497 | Enclos. 2 | Spare Copies. | Serial No. 1

BRIEF ABSTRACT OF LETTER

Appeals against the order of the DC. Magte. of Tumkur regarding the procession in Kandikere, Chiknaikanahalli Tk., of the Gouri & Ganesha of the Lingayats with Nandidhwaja.

NOTES AND ORDERS.

Subd. for orders with a draft calling for a report

13 9
(57) 11/10/11.
(58)
11/10/11

SN(11)

The case seems to be one which should be dealt with in the Muzrai Dept, as a question of right is involved & there is no mention of any ~~be~~

Revenue Secretariat.

Mugrai ~~Police~~ File No. ~~77~~ 405 of 1911-12

2

Serial No.

imminent breach of the peace.

3) The draft calling for the records may in any case issue.

) After issue submit to 1st & 2nd C. CBJ 12/10/11

2 To The Dt. Magte. Tumkur no. J/225 D/ 20.10.11
Calls for a report with the records.

) Seen. [illegible] 22/10/11

SA 25/10/11

) Sub to 2nd Cr.

SN(11) 25/10/11

25/10/11

SA 27/10/11

3 From The Dt. Magte. Tumkur Dt. no. 237 D/ 13th Dec 1911.
Submits the report and the records called for in the above.

) Sub. May this be transferred to the Mugrai Branch as suggested in the Secy's note of the 12th Oct.?

When?

B.G.
CPD 22-12-11.

SA 23/12/11

SN(11) 28/12

) [Vide marginal note

SA 28/12/11

Sub. Please see para 2 supra

B.G.
CPD 3/1/12

SN(11) 4/1/12

To Muzrai Branch

SA

Muz Nis 13 5/1/12

1011—Contn. sheet.

GPB—55,000—27 10J

Serial No.

(1) From the Vernacular records, it is observed as follows:—

This is a dispute between the Lingayets and Brahmins regarding the parading of Gowri and Ganesha with Nandi Dhwaja in the Brahmin street of Kandikere Village in the Chikka-naikanahalli Taluk.

(2) Attention is respectfully invited to the ~~Taluk~~ Police Inspector's report and the orders of Taluk and District Magistrates which give a clear account of the facts of the case.

(3) In the year 1909, the Lingayets of Kandikere attempted to take their Gowri and Ganesha Utsava through the Brahmin Street of Kandikere The Jamedar conducted some enquiry. A breach of the peace having been apprehended, a body of the Police were deputed by the Taluk Magistrate to be ready on the spot, but a Compromise was brought about and the Lingayets were allowed to take their Gods in procession through the Brahmin Street. (4)

On 6th Sept 1910, Brahmin residents of Kandikere Complained to the Tq Offr at Chickkanaikanahalli that on the 10th idem, the Banajigars of the place had arranged for the Gowri utsava through their street contrary to usual and praying that no permission might be granted to them.

15) On 12th Septr 1910, Mathada Gangiah and other Lingayets prayed for a License from the Dy. to conduct the procession of Gowri and Ganesha on the 14th idem. - - - - - - -

16) The Dy Magistrate refd the matter to the Police Inspector for enquiry and report. The Police Inspector conducted an ~~elaborate~~ enquiry. The contending parties and their witnesses have been examined and their statements filed with the records—

17) A rough Plan of the streets of the village is in the file.

18) The Lingayets say that it is usual for them to take their Gowri & Ganesha in a "Palaki" in procession with Nanda Dhawaja through Brahmin street, leave the Gowri in Nonavinakere tank and return through Brahmin street; that during some years, they were taking their Gowri

Serial No.

in plates, through Brahmin street to the tank and ~~then~~ then return and that when there was no water in this tank, they used to leave their Gowri in "Hirekere".

14) The Brahmins contend that it is not customary for the Lingayets ✗ to take their utsava through the Brahmin street.

ii) The witnesses have deposed in favor of the party whom they represented.

21) The Police Inspector points out the inconsistent statements made by some of the witnesses and reports that even the Patel and Sanbog made ~~conflict~~ conflicting statements before him and Jamedar, and thinks that there is no mamul for the Lingayets either to take their utsava through Brahmin street or return thro. that street, and adds that if such a mamul had existed, the Brahmins would not have resisted the Lingayet procession in the previous year.

22) The Amildar-magistrate after examining the parties and their Advocates says that through the Brahmin street (not exclusively inhabited by Brahmins) of Kandikere, Komatis, Ganigas, Vakkaligas, Byadas

NOTE— Contn. sheet.

Serial No.

and Mahomedans take their procession; that Gowri and Ganesha are deities worshipped by both the Brahmins and Lingayets, that the street in question is a public street and as such, every subject has a right to use the same for all lawful purposes; that some of the Brahmins took no objection to the utsava and has ordered that Sivabhaktas can take their utsava of Gowri and Ganesha through Brahmin street. As regards Nandi Dhawja which the Lingayets wish to use during the procession, the Magistrate says that the contention of the Brahmins was that it was harmful to them if the Lingayets were allowed to carry the Dhawja; that in big towns like Bangalore and other places, people may ordinarily use the Dhawaja but in villages, people attach much importance to religious scruples and mamul, and has ordered that Nandi Dhwaja should not be passed in procession as it would be interfering with the religious feelings of the Brahmins.

7. The Lingayets thereupon appealed to the ~~Dy~~ Distt. Magistrate against the ~~abo~~ above

7

Serial No.

order so far as it relates to Nandi Dhawja

(24) The Distt magistrate after hearing the parties observes that there is no evidence which may be regarded as clear and fairly disinterested to show that the parading of Nandi Dhawaja was a manual observed by the Lingayets of Kandikere Village while taking Gowri and Ganesha processian through Brahmin Street otherwise known as Kankal or Baste-street and has accordingly confirmed the Dy. Magistrate's order.

25, Against this order, Mathada-Gangiah and others have appealed to Govt. praying for permission to parade Nandidhawaja while conducting Gowri and Ganesha processian. The petition is in English and the grounds for appeal are summarized ~~to~~ in paras 1 to 15—

Submitted for orders. This is a case in which it
M (13?)
2.2.1912
is probably necy. to hear the parties & settle the dispute. May the case be posted for hearing on the 29th of this month?

Bl
3.2.12

Dft notices submd
M
5.2.12

Subd. to 1st Councillor)

M
23.2.12

Notices issued 15.2.12
Date of hearing 29.2.12

(8

Serial No.

2) There was a case in which the question ~~whether the~~ whether such cases shd be decided in the Muz or Police or Judl. departments was raised. Please let me see the file as I am not certain whether the Muz Deptt is the proper one.

29/2/12

Adj. to Thursday 7th March. ~~Parties~~ Advocates informed.
bm
29 2.12

Adj. to 8th
bm
5 3 12

8 Mar 1912

Appt by Mr. Virabasavaya

Respt (Narain Joysa) p. & by Mr D. Venkataramaya.

Adv. for applt.

The evidence shows that the Nandidhvaja was always being taken.

Adv for respt.

Is this a new insignia that

File No. 405 of 1911

9

Serial No.

Lingayats want? If so, they wd have to get it by special grant under prerogative of Govt.

Mr V.B. in reply

8/3/12

Order

There seems nothing in the Nandi Kolu carried in front of a procession to wound the susceptibilities of the other castes. If the Procession is allowable, there is no reason why the carrying of this symbol should be prohibited. The Dy C's order will therefore be modified. Of course this will not interfere with the discretion vested in the Police and the Magistracy to take order for preservation of the peace when necessary.

19/3/12

This may be filed without a reply -

10/1/13

14/1

15/1/13

P.A.
Keep for sometime.

Note—~~Contn~~ sheet

GPB—50 000—12 8 10

10

File No. 405 **of 191/ .**

Serial No.	
	From, H K Veerabasaviah Petition Dy 30. 3 1914 Prays for early orders in the case.
	3) Submitted for orders NV(115) ann 3.4.1914 4/4/14
354	4) Subd to 1st member Further action in the case was dropped as directed by the member and the papers were filed. The appellant now prays for issue of definite orders. May ~~the~~ draft of order on the lines of the decision of 29. 3. 12 be prepared and submitted for member's approval. [illegible]
	5) See Police Regn Ss 45 & 46. The Regulation allows no appeal to Govt. Why or under what authority should Govt interfere with the Magte's order 6) I should like the Mug. U S & Asst Secy Judl Deptt to consider the point & put up

NOTE—Contn sheet.

File No. 405 of 1911

Serial No.

any precedents &c

1/5/14

Dated 4/5

3rd Mr. Ramiah will please put up precedents and a copy of Police Regn.

5.5.14

A copy of the Police Regulation No V of 1908 is Subd.

(x) Misc. File No 110 of 03-04 re grant of permission to Chik Basamma celebrate Theppotsavam to the Sri Prasanna Gangadhareswara Swami at Gavipur in the Sampigahalli Tank seems to serve as a precedent & is Subd for kind perusal.

May the file be sent to Br III for remarks & for kindly putting up precedents that may be forthcoming there?

12/5/14

Yes

20/5/14

To Branch III for favor of remarks.

21/5/14

Subd. As to whether an appeal

J. Mis 627-13

Pr. 212

(12

retariat. ue | Mug File No. 405 of 1911-12

Serial No.

ues to Govt in such cases please see notes in Police File no 172-13 linked hereto and the reference files put up therewith

19 8 14 NM

39) Please show me the discussion in the Leg. Council on this subject at the time of the ~~in~~ introduction of the Police Regn?

ES
28/8

40) Copy of Abstract Proceedings herewith subd

25 8 14 NM

41) I have submitted all the points available for consideration in Police File 19-14 linked to this. Orders are necessary on both the files

ES
29/8

First Councillor)

As both the Amildar and the District Magistrate hold that there is no mamul for carrying the Nandidhvaja on such occasions, and as it is very undesirable that ~~practices~~ innovations which interfere with the maintenance of peaceful relations among inhabitants of any locality ~~of such small places~~ should ~~not~~ be introduced ~~be discountenanced~~, Govt. decline to interfere with the order of the

Revenue
cretariat.

File No. 405 of 1914

(13

Serial No.

District Magistrate

31.8.14 H

(I thought it unnecessary to pass an order ~~the~~ as the dispute had better die out, but as a reminder petn has been received, an endt may issue)

H

Ord 31/8

31/8

Submitted with a Dft. Endt in English & the Petn in English.

AN 115)
2.9.1914

5/9/14

approved
7.9.14

4. To Mathada Gangiah & others of Kandikere Chiknaikanahalli Taluk.
Endt No. 594 D/12.9.914
Rejects their appeal petn in the matter of parading Nandidhwaja in connection with the Gowri & Ganesha processions of Lingayet Community.
Copy to District Magte, Tumkur No. 596
12.9.914
Copy to Narain Jois & other Brahmins
No. 595 D/12.9.914

NOTE—Contn. sheet.

GPB—60,000—7-11 13

~~1911-10
SECTION
FILE No. 77-11
SERIAL No. 1~~

~~[illegible]~~
[illegible] appeal [illegible]
[illegible]

2/5/11

Diary No 497

1911-1912
SECTION Muzrai
FILE No. 405-11
SERIAL No. 1

Call for report with both records.
26.9.11

Before The Government of His Highness The

Maharaja of Mysore.

(Police).

1. Mattada Gangiah, 2. Bale Chennabashetty, and others of Kandakere village, Chikkanayakanhalli Taluk, Tumkur Dist:	)	Appellants.

- Vs-

Brahmins of Kandakere village, Chickkanayakanahalli Taluk Tumkur Dist:	)	Respondents.

In the matter of the license for the procession of Gowri and -- Ganesha of the Lingayat Community in the village of Kandakere.

The appellants abovenamed beg to appeal against the order of the District Magistrate, Tumkur, dated 28th July 1911 in Miscellaneous Petition No.34 of - 1910-1911, herewith filed, for the following reasons:-

1. That the learned District Magistrate erred in confirming the order of the Amildar of Chickkanayakanahalli regarding the parading of Nandidhvaja while conducting Gowri and Ganesha procession.

2. That the District Magistrate was wrong in thinking that the evidence on this point is not clear and disinterested. Except the one-sided, interested

and

and un-corroborated statements of Brahmins, there has been clear and most disinterested evidence to the contrary of persons of various pursuations, classes and creeds.

3. That the opinion of the District Magistrate that the Lingayats wish for the first time to parade Nandidhwaja is unwarranted by any facts, evidence or probabilities in the case. The Dhwaja is itself in esistence in the village from time out of mind.

4 That though the District Magistrate conceds that the dhwaja is a peculiar symbol of the Lingayats yet he draws a gratuitius inference that it is obnoxious to Brahmins especially.

5. That the District Magistrate has further erred in Law in throwing the burden of proof of a Mamool on the petitioners. It is a recognised principle, well - established by Civil Courts and also observed in many Government proceedings that the burden of proof is necessarily on those who wish to restrain the natural rights of every subject setting up a negative Mamool.

6. That the learned District Magistrate has -- failed to notice that the main question at issue before the Amildar Was the procession of Gowri and Ganesha and that the question of Nandidhwaja has been incidentally introduced for the first time by the Amildar while it had been peacefully enjoyed by the petitioners and for which there had been no contention at any time.

7. That the order of the Amildar relating to the prohibition of Nandidhwaja procession is illegal and not

warranted by any facts or evidence in the case.

8. That the Amildar has erred in thinking that the accompanying of Nandidhwaja in the procession of Gowri and Ganesha interfers with the religious feelings of Brahmins. Such interference is a mere surmise purely in the imagination of the --- Amildar.

9. That the contention of the Brahmins to the parading of Nandidhwaja is purely vexatious and frivolous. Nandi is as much a Hindu Deity as any other in the Hindu pantheon worshipped and reverenced by all Shivites.

10. That it is a recognised principle in all -- civilized countries that the tenets and cermonials of one religion are not to be jduged by the view taken by the followers of another.

11. That the street in which the petitioners wish to take their Gods in procession is a public street and as such they have every right to use the same for all lawful purposes. The District Magistrate admits that the street in question is not even exclusively inhabited by Brahmins.

12. That ~~the~~ it is the duty of the Police and the Magistracy to see that such legitimate rights of subjects of His Highness the Maharaja are not denied to them on -- vexatious grounds taken by prejudicial persons in order to

gratify

gratify their own ill-feelings.

13. That the procession of Nandi is a time honoured custom prevailing among Lingayats is a fact which the -- Amildar is constrained to admit; and yet he thinks that the Dhwaja should not be allowed to be paraded, because a few in the village now choose to take objection.

14. That the Nandidhawja is always a necessary -- accompanyment in all the religious processions of Lingayats community, and as such it is of paramount importance to the petitioners and their castemen.

15. That the Lingayats possess as much as any other Community the right to worship their own deities if it is in accordance with their creed, and no one has a right to interefere in their faiths and beliefs as they do not --- affect those followed and observed by members of another creed.

Bangalore.
25th September 1911.

Advocate
for Appellants.

In Court of the District Magistrate
of Tumkur

Dated the 28th July 1911.

Present - M. Shama Rao Esq MA,
District Magistrate

Miscellaneous petition No: 34 of 1910-11 presented on 21-6 1911 praying that the order of the Amildar and 3rd class Magistrate of Chickanaikanhalli in the matter of the license for the procession of Gowri and Ganesha of the Lingayet Community with Nandidwaja and other paraphernalia in Kandikere village may be revised.

Petitioners		Opponents
1 Bale Channabasavasetti 2. Matadu Ganjiah and others.	vs	The Brahmins of Kandikere village

Order

Heard Mr. H. Nanjundiah BA BL,

who appeared for the Brahmans of Kandikere as well as the petitioners Balechannabasavasetty and others who appeared in person. No other facts or arguments were produced other than those produced before the Amildar Magistrate. After going through the records I am of opinion that the Amildar Magistrate ~~was~~ is right in what he has done. The statements recorded by him of the persons that appeared before him for examination go to show that there was no objection taken in the past to the Lingayet procession of Gowri and Ganesha going through the Brahman Street. It should also be noted that this street is not exclusively by the Brahmins. There are houses in the street inhabited by other Castes also. The only question for Consideration therefore is whether the Lingayets are while going in procession parade the Nandidwaja also with or without 'Vyasan Dohli' ([illegible]) There is no evidence on this point which may be regarded as clear and fairly disinterested. After reading all the statements recorded the impression left on the mind is that the Lingayets now wish for the first time for the liberty of parading Nandi-Dhwaja also This Dhawja is however a peculiar symbol of his Community and is obnoxious to other Communities, especially to the ~~Bh~~ Brahmans. In the absence of clear proof therefore that the parading of Nandi was a Mamool observed by Lingayets of Nandikere village, while taking the Gowri and Ganesha processions through the Brahmin Street or Street otherwise known as Karikal or Basti Street, I am unable to accept the contention of the petitioners that they should be allowed to go in procession with the Nandidwhaja. I accordingly confirm the order passed by the Amildar Magistrate

(Signed) M. Shama Rao
District Magistrate

28th July 1911

a
Copy

Compd

Judicial Head Munshi

Copy applied for by ~~an~~ Balechannabasetty on 19. 8. 11.
Advance fee received on . . . . . . 25. 8. 11.
" ready . . . . on 27. 8. 11
" delivered on 1. 9. 1911
No: of words: 330
Copying fee - 6 - a
Comparing fee - ~~2 - 4~~
paper - - - 3 Seven annas + 7 pies only

No of

~~In the Court of~~ Before the Government of His Highne
the Maharaja of Mysore, Bangalo
Police.

Appellants
Mattadasangiah & others of Kandakere

VS.

Respondents.
Brahmans of Kand

Mattadasangaiah & others of Kandakere
the appellants in the above case
do hereby appoint H. K. Veerabasaviah, B A, B L Advocate

to conduct it for us and on our behalf, and to do all the acts and appearances necessary for the same

In witness whereof have set hand this

Signature.

I certify that this Vakalatnama was signed in my presence and accept it

K. Veerabasaviah

Advocate

Sold by M NANJUNDAPPA Stamp Vendor, Chick Pett, Bangalore City.

ಅರ್ಜಿದಾರ್.................................. ....ತಾಲ್ಲೂಕು

... ...ಹೋಬಳಿ

--- -- -- - ....ಗ್ರಾಮದಲ್ಲಿರುವ

....ಗೆ

ಇಂಡಾರ್ಸ್ ಹುಕುಂ.

. .. .

....

....

....

....

ವಿಷಯದಲ್ಲಿ ನೀವು ಗುಜರಾಯಿಸಿಕೊಂಡ.

ಮರ್ಕೂಮಿನ ಅರ್ಜಿಯನ್ನು ... . ಬಗ್ಗೆ

....

ರವರ ಬಳಿಗೆ ಕಳುಹಿಸಿದೆ.

ಬೆಂಗಳೂರು.

By Order.

Secretary.

Misc D 190 No 1058

405-11-13

From

The District Magistrate,

Tumkur District.

To

The Secretary to the Government of Mysore,

General and Revenue Departments.

Dated 13th December 1913

Despatched Do --do--

Received

General No 237

No.

Enclosure No. Enclosures

Sent separately [illegible]

Forwarding a report re the appeal by the Lingayats of Kandikere village, Chikanayakanahalli Taluq, against the orders of the Deputy Commissioner in matter of process of Gowri and Ganesa with Nandi-dhvaja

[illegible]

[illegible] District Magistrate, Tumkur

Dated Tumkur, 13th December 1911

3

[illegible]

[illegible]

[illegible] there was a similar conten- [illegible] breach of the peace was appre- [illegible] by the [illegible] have been brought about among the parties themselves and the Lingayets were allowed to take their Gods in procession through the Brahmin street.

4. It is alleged by the Brahmins that the Lingayets never used to take these Gods in procession through their street, while the Lingayets allege that they used to do so when they could afford to hold the procession on a grand scale.

5. In the street styled as the Brahmin street, there are people of other castes also, such as Komaties, Ganigars &c., to the passing of whose religious processions no objection is taken by the Brahmins. The Amildar Magistrate has clearly discussed the point at sufficient length and ordered that the Lingayets might take their Gouri and Ganesa along the Brahmin street. As regards the parading of Nandidhvaja while in procession, it will be seen that the Lingayets claimed this right for the first time. There are factions in the village and a possible breach of the peace was apprehended if a license was granted for the procession of the dieties in question with a display of the Dhwaja. The Amildar Magistrate accordingly refused to grant the license so far as the display of the Nandidhwaja was concerned.

6. From a perusal of the records and the local circumstances of the case, the Amildar Magistrate's Order was upheld and the petition rejected.

7. The present appeal is against this Order.

8. The file of papers connected with the case received from the Amildar Magistrate of Chiknayakanhalli and the records in Criminal Mis: Case No. 14 of 1910-11 on the file of this Court are herewith forwarded for reference and return when no longer required.

9. The petition with enclosures received with the Office Memorandum under reply is returned herewith.

I have the honor to be,

Sir,

Your most obedient servant,

Endorsement ~~[illegible]~~ 14

No 594 D/ 12-9 1914
mw 405-11-4

~~[illegible]~~

Bale and
others of village
in the Chiknaikana

~~With~~ reference to
their petition regd no. 497
D/ 25th September 1911
appealing against the order
of the District Magistrate
of Tumkur ~~Regarding~~
declining to ~~grant~~ issue a licence
~~to the applts~~ ~~to parade~~

permitting the parade
of Nandidhwaja in con-
nection with the Gowri and
Ganesha processions of
Lingayat community in
the village of Kandikere
Chick naikanahalli ~~Taluk~~ Taluk

~~Nandidhwaja while~~
~~taking in procession [illegible]~~
~~Conducting Gowri and~~
~~the village of Kandikere~~
~~Ganesha procession in~~
~~Kandikere,~~

Mathada Gangiah
~~Bale Chennabasasetty~~
Bale Chennabasasetty &
others ~~of Kandikere~~,
~~Chiknaikanahalli Taluk~~

~~In reply, the appellants~~
are informed that as both
the Amildar and the
Distt Magistrate held
that there is no [illegible]

for carrying the Nandi dhvaja on such occasions, and as it is very undesirable that innovations which interfere with the maintenance of peaceful relations among inhabitants of any locality should be introduced, Govt. decline to interfere with the order of the Dist. Magistrate. The appeal is accordingly rejected.

By order

7/9/14

for Hy. Secretary

5-9-14

18th cir. order

Copy to the Dist. Magistrate, Tumkur, returning the record received with his letter No. 237 Dt 13-12-1911

No. 596 / Mys 405-11-24 Encls. Dt 12-9-1914

7/9/14

Dft for Hy. Secretary.

5/9/14

Copy to Narain Joysa and other Brahmins of Kandikere.

No. 595 / Mys 405-11-24 Dt 12/9/1914

[illegible] Dft 2 [illegible]